

By ECF and Courtesy Copy by Federal Express

June 26, 2023

The Honorable Rachel P. Kovner
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Gary Peresiper, 18-CR-280 (RPK)

Dear Judge Kovner:

I represent Gary Peresiper in the above-referenced case.

I am writing to respectfully request a temporary modification to Mr. Peresiper's conditions of release to enable him to travel on a guided group safari tour of Kenya and Tanzania with his wife and two couples who are their closest friends to celebrate Mr. and Mrs. Peresiper's 35th wedding anniversary. The dates of travel would be from October 6-October 21, 2023. I have discussed this application with counsel for the government and with Mr. Peresiper's Probation Officer. The government opposes the application on the ground that DOJ policy is to oppose international travel while a defendant is on release. The Probation Department does not take any position on the application.¹

On June 4, 2018, Mr. Peresiper was charged with conspiracy to commit Medicare fraud by entering a scheme to pay health care kickbacks. On January 23, 2019, pursuant to a plea agreement, Mr. Peresiper entered a guilty plea to Count One of the Indictment. During Mr. Peresiper's initial appearance, Magistrate Judge Kuo ordered him released on a personal recognizance bond of \$1 million, secured by his residence in Queens, New York, and co-signed by two financially responsible sureties, with his travel restricted to the states of New York, New Jersey, Pennsylvania, and Ohio. On January 28, 2019, Pretrial Services eased Mr. Peresiper's supervision status to "low intensity" because of his scrupulous compliance with his conditions of release.

On July 2, 2019, Magistrate Judge Kuo granted Mr. Peresiper's unopposed application to modify his conditions of release to: (i) substitute his Queens home with a condominium he owns in Hallandale Beach, Florida as security for his appearance bond, and (ii) modify his

¹ I respectfully request under Rule 49.1(e) of the Federal Rules of Criminal Procedure that the Court permit me to file this letter on the public docket with redactions to maintain the privacy of his medical conditions. I also request under Rule 49.1(f) that the Court accept an unredacted copy of this letter under seal.

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travel limits to add Florida and to remove Ohio and Pennsylvania. On July 21, 2022, Your Honor granted Mr. Peresiper's application to take possession of his passport for two weeks to enable him to obtain a New Jersey driver's license.

Mr. Peresiper has been on pretrial release for over five years and he has an unblemished record of compliance with his release conditions. In addition, Mr. Peresiper has paid the entirety of his forfeiture money judgment of \$190,500. (ECF No. 33). In short, Mr. Peresiper has conducted himself admirably on pretrial release and has demonstrated that he does not pose a risk of flight.

The opportunity to travel with his wife and closest friends will be especially meaningful to Mrs. Peresiper. For almost five years now, Mr. Peresiper has battled cancer and has endured major surgery, chemotherapy, and radiation. In October 2019, Mr. Peresiper [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Peresiper's medical issues have made life very difficult for Mr. Peresiper and his family. The pendency of his criminal case has only added to his and his wife's stress. In 2021, Mr. Peresiper and his wife considered asking the Court if he could travel to Israel for a much-needed vacation, but Mr. Peresiper's doctor advised against it. After two years, they now finally have an opportunity to travel together with their closest friends on a wonderful trip.

Over the last five years, Mr. Peresiper has demonstrated his commitment to abiding by the conditions of his release. When he has been healthy, he has engaged in gainful employment as an accountant. His perfect record of compliance with the conditions of his release, his payment of his forfeiture judgment in full well in advance of sentencing, and his commitment to maintaining employment establish that he is an excellent candidate to be granted this request to travel overseas with his wife and closest friends for a little over two weeks. The risk of flight is minimal. Indeed, his entire family and his closest friends live in the United States and he must still receive regular medical treatment here.

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For all of the foregoing reasons, we respectfully request that the Court permit him to travel to Kenya and Tanzania on a guided tour from October 6 through October 21, 2023. If the Court grants this application, we will promptly provide a detailed itinerary with contact information to Mr. Peresiper's Pretrial Services Officer. In addition, in the event the Court grants this motion, we will provide the Court with a proposed order permitting him to take possession of his passport for the purposes of traveling overseas.

We thank the Court for its consideration in this matter.

Respectfully Submitted,

/s/ Eric M. Creizman
Eric M. Creizman (EC7684)

cc: Andrew Estes, Esq., DOJ Trial Attorney (by ECF and email)
United States Pretrial Services Officer Robert Stehle (by email)